

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

TONY A. ADAMS,

Petitioner,

v.

**Civil Action No. 2:07 CV 67
(Maxwell)**

WARDEN at USP HAZELTON,

Respondent.

ORDER

On August 21, 2007, *pro se* Petitioner Tony A. Adams filed an Application for Habeas Corpus pursuant to 28 U.S.C. § 2241.

The case was referred to United States Magistrate Judge James E. Seibert for initial review and report and recommendation in accordance with Rule 83.09 of the Local Rules of Prisoner Litigation Procedure.

After conducting an initial screening and review, United States Magistrate Judge James E. Seibert issued a Report And Recommendation on October 16, 2007, wherein he recommended that the Petitioner's Application for Habeas Corpus be denied, without prejudice to the Petitioner's right to file a Bivens action.

In his Report And Recommendation, Magistrate Judge Seibert provided the parties with ten (10) days from the date they were served with a copy of said Report And Recommendation in which to file objections thereto and advised the parties that a failure to timely file objections would result in the waiver of their right to appeal from a judgment of this Court based upon said Report And Recommendation. According to the docket in

the above-styled civil action, any objections to the Magistrate Judge's Report And Recommendation were required to be filed on or before October 30, 2007.

On October 29, 2007, the Petitioner filed a Motion To Extend The Time For Petitioner's Objections And To Compel U.S.P. Lewisburg To Forward Property wherein he requests an extension of time in which to file objections to Magistrate Judge Seibert's October 16, 2007, Report And Recommendation in light of the fact that he was transferred from USP Hazelton to USP Lewisburg on October 15, 2007, and has not yet received his personal property, including his legal materials.

Having found that the Petitioner's Motion is made in good faith and not to unnecessarily delay this matter, it is

ORDERED that the Petitioner's Motion To Extend The Time For Petitioner's Objections (Docket No. 10) be, and the same is hereby, **GRANTED**, to the extent that said Motion seeks an extension of time in which to file objections to Magistrate Judge Seibert's October 16, 2007, Report And Recommendation. It is further

ORDERED that the Petitioner shall file any desired objections to Magistrate Judge Seibert's October 16, 2007, Report And Recommendation on or before **January 21, 2008**. It is further

ORDERED that, in the event that the Petitioner does not receive his legal materials in time to file any desired objections by January 21, 2008, he should file a Motion advising the Court of this fact and requesting an additional extension of time in which to file the same. It is further

ORDERED that the Clerk of Court shall send a copy of this Order to the *pro se*

Petitioner and to any counsel of record.

ENTER: December 4, 2007

/S/ Robert E. Maxwell
United States District Judge